

REMARKS

By the present amendment, the specification has been amended to correct apparent typographical errors and/or to improve its presentation. Independent claims 1 and 9 have been amended to further clarify the concepts of the present invention by respectively incorporating, among other things, the subject matter of claims 2, 3 and 6 and of claims 10, 11 and 14 therein. In addition, claims 2-4, 6-7, 10-12 and 14-15 have been canceled. Claims 1, 5, 8, 9, 13 and 16 remain pending. Entry of these amendments is respectfully requested.

In the Office Action, the drawings were objected to under 37 CFR 1.83(a). In particular, it was alleged that the drawings should show that the target member is yieldingly biased within the pocket as claimed. Inasmuch as this feature has been canceled from the claims, it is submitted that the objection is now moot. Withdrawal of the objection is requested.

The disclosure was objected to for various noted formalities. As mentioned above, the specification has been amended to correct apparent typographical errors and/or to improve its presentation. In so doing, the noted informalities have been corrected.

Claims 1-7 and 9-15 were rejected under 35 USC § 102(b) as being anticipated by

patent to Kiser. In addition, claims 8 and 16 were rejected under 35 USC § 103(a) as being unpatentable over the same patent to Kiser. Reconsideration of these rejections in view of the above claim amendments and the following comments is respectfully requested.

Before discussing the rejection in detail, a brief review of the presently claimed invention may be quite instructive. The subject invention relates to a baseball training device for use in improving batting skills, the device comprising an elongated member of at least a length to extend about the torso of a wearer and form a loop, the elongated member having a pocket on a surface thereof and adapted to be positioned on the back of the wearer. The device further includes a target member comprising an elongated stem slidably received in the pocket and a target affixed to an end of the elongated stem exterior of the pocket.

As is set forth in the subject specification, in conducting a proper baseball swing, the batter should carry his front arm parallel or level with the ground and not raise the front arm when swinging. When a batter does raise his front arm during the act of swinging, the undesirable action is known as "chicken winging," which will improperly raise the front shoulder, drop the back shoulder and cause the batter to lower the bat head below his hands resulting in an uppercut swing. This type of swing will also minimize the ability of the batter to swing on a level plane.

The subject baseball training device is specifically adapted to help avoid this undesirable type of swing. In use of the subject device, the target is adapted to engage an upper portion of a front arm of a wearer upon proper movement of the arm of the wearer at an end of a batting swing and thereby cause the target stem to slide further into the pocket. Thus, with the device of the present invention, the batter can ascertain that he indeed kept his arms in the proper position during the swing. Therefore, the batter can determine that he either did not stay inside the ball or raised his front arm while in the act of swinging and thereby "chicken winged" during the swing. It is submitted that the baseball training device as presently claimed is not taught or suggested by the cited patent to Kiser.

The patent to Kiser relates to sports training equipment which includes a belt attachable to the lower torso of a wearer and an adjustable arm support comprising a main body support consisting of vertical members, horizontal members, and an angled member. The equipment further includes an adjustable arm positioner slip that fits into 3a, the angle main body arm positioner support to adjust 6a, the vertical arm support and 6b, the 135 degree arm support guide.

As is apparent, the Kiser patent does not teach or suggest, as is presently claimed, a baseball training device comprising an elongated member of at least a length to extend about the torso of a wearer and form a loop, the elongated member having a pocket on a

surface thereof and adapted to be positioned on the back of the wearer and where the device further includes a target member comprising an elongated stem slidably received in the pocket and a target affixed to an end of the elongated stem exterior of the pocket.

Further, the operation of the equipment according to the Kiser patent is completely different from the baseball training device of the present invention. As is set forth in the Kiser patent, the equipment is for engaging the back arm of a batter to provide proper positioning of the back arm. Specifically, the adjustable arm positioner 5 of the equipment according to the Kiser patent is to insure that the batter is at the correct beginning point for optimal swing efficiency. In distinct contrast, when the subject baseball training device is used, the target is adapted to engage an upper portion of a front arm of a wearer upon proper movement of the arm of the wearer at the end of a batting swing and thereby cause the target stem to slide further into the pocket.

For the reasons stated above, withdrawal of the rejections under 35 U.S.C. § 102(b) and § 103(a) is respectfully requested.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an

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appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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